

**IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL CIRCUIT, IN AND FOR
MIAMI-DADE COUNTY, FLORIDA**

ALFREDO CARDENAS,)	Case No.: 2023-012179-CA-01
<i>Plaintiff</i>)	Section No. CA30
vs.)	
7-ELEVEN INC et al,)	
<i>Defendants</i>)	
_____)	

DEFENDANT RDY STORE INC'S ANSWER

Defendant, RDY STORE INC, hereby files this answer to Plaintiff's complaint. Each answer corresponds to the paragraph number in the complaint.

1. Denied.
2. Admitted
3. Denied
4. Without knowledge.
5. Without knowledge
6. Admitted
7. Denied
8. Admitted
9. Admitted as to RDY, otherwise Denied.
10. Denied
11. Denied
28. Admitted that RDY has a duty, but Denied as to Plaintiff's description thereof.
29. Denied
30. Denied

31. Denied

32. No response required

33. Admitted

34. Denied

35. Denied

36. Denied

37. Denied

38. Denied

39. Denied

40. Denied

41. Denied

Jury Trial Demanded on all issues so triable

Affirmative Defenses

1. Plaintiff's actions are barred by § 776.085, Fla. Stat. as Plaintiff was injured during the commission or attempted commission of a forcible felony, as evidenced by the police report attached hereby as Exhibit A. In particular, Plaintiff was shoplifting alcohol, burglary as defined in § 810.02, Flat. Stat. , threat of physical force, and other forcible felonies, as defined in §776.08, Flat. Stat.

2. Plaintiff's injury was not proximately caused by any of RDY's actions.

3. Plaintiff's injury was caused by his own intentional and negligent actions.

4. Plaintiff's injury was caused by an intervening force.

5. Plaintiff's injury was not reasonably foreseeable by any of RDY's conducts.

6. Mr. White was not acting within the scope of his employment.

7. Mr. White's actions were in part to prevent the commission of shoplifting by Plaintiff, and as such, is immune from civil liability under § 812.015, Fla. Stat. and the common law shopkeeper's privilege.

8. Mr. White's actions against Plaintiff reasonable under the circumstances, especially given that Plaintiff is a registered sex offender, and "touched" Mr. White on "his cheek without his permission" prior to his injury. A public record copy that Plaintiff is a registered sex offender is hereby attached as Exhibit B.

9. Defendant failed to mitigate its damages.

10. Defendant's injuries were sustained outside the Store, and not on property that is owned or controlled by RDY.

11. Defendant assumed the risk of injury when he decided to shoplift, and touch Mr. White.

12. Defendant's actions are barred by the doctrine of unclean hands, as Plaintiff committed multiple crimes, nuisances, and was otherwise involved in unruly conduct before getting injured.

13. Defendant's had pre-existing conditions that caused his injury and damages.

CERTIFICATE OF SERVICE

I certify that this notice was served via the Florida Court E-Filing Portal on April 11, 2024 upon all counsels of record.

Respectfully submitted,

Shlomo Y. Hecht, P.A.
3076 N Commerce Pkwy
Miramar, FL 33025
Phone: 954-861-0025

By: /s/ Shlomo Y Hecht
Florida State Bar No.: 127144
Email: sam@hechtlawpa.com
Attorney for Defendant RDY Store Inc

Exhibit (A)

INCIDENT REPORT

PAGE 1 of 2

PRINTED BY: Dorneval, Jr., Thomas
PRINTED DATE/TIME: 7/10/2023 1:52 PM

CITY OF MIAMI POLICE DEPARTMENT
400 NW 2ND AVE
MIAMI, FL 33128
305-579-6111
REPORT NUMBER: 2203120017695

REPORT NUMBER: 2203120017695-001	INCIDENT LOCATION: 1099 SW 1ST AV	INCIDENT TYPE: 32F - AGGRAVATED ASSAULT/BATTERY (FELONY)	DISPO: Cleared by Arrest	STATUS: 2 - Closed
OCCURRED ON: 3/12/2022 2:14:00 AM-	REPORTED ON: 3/12/2022 2:16:20 AM	ENTERED ON: 3/12/2022 5:12:34 AM	ENTERED BY: Talanía, Adrian G	
REPORT TYPE: Arrest Report	SUPPLEMENTAL:	CLEARANCE BASIS:	CLEARANCE DATE:	
CIT RELATED: No	BODY CAM FOOTAGE: Yes			
INVESTIGATOR CONTACTED: 28547 - Figueroa, Julie	INVESTIGATIONS NOTIFIED: Yes			
24HR DESK NOTIFIED: No	CIS CONTACTED:			
WAS A GUN DISCHARGED: No	WAS SOMEONE HIT:			

OFFENSES

OFFENSE: AGGRAVATED BATTERY
STATUTE: 784.045
LOCATION TYPE: Convenience **COMPLETED:** Completed
Store
HATE/BIAS: None (No Bias)

ARRESTEES

NAME: WHITE, DARRYL LEONARD Jr.
DOB: 6/11/2000 **AGE:** 21 **SEX:** Male
RACE: Black **ETHNICITY:** Not Hispanic or Latino
ADDRESS: Home - 1181 Nw 57th St MIAMI, FL 33127

EYE COLOR: Brown	HAIR COLOR: Black	HAIR STYLE: Natural
HAIR LENGTH: Short	FACIAL HAIR: Clean Shaven	COMPLEXION: Dark
TEETH: Normal	BUILD: Large	CLOTHING: BLCK SHIRT/BLCK PANT
HEIGHT: 5' 9"	WEIGHT: 255	RESIDENT OF: City
SMT:	SMT LOCATION:	SMT DESCRIPTION:
PLACE OF BIRTH: MIAMI FLORIDA	COUNTRY OF ORIGIN:	

ARREST INFORMATION:

ARRESTED FOR: 784.045 - AGGRAVATED BATTERY
ARREST DATE: 3/12/2002
ARREST TYPE: Arrested on Scene
ARREST LOCATION: 1099 SW 1 AVE
ARMED WITH: Hands / Fists / Feet
Other

THIS CERTIFIES THAT
THIS REPORT IS A TRUE COPY
OF THE ORIGINAL FILED WITH
THE CITY OF MIAMI POLICE DEPARTMENT

NAME & IBM:

DATE & TIME:

43176
7/10/23

INCIDENT REPORT

PAGE 2 of 2

PRINTED BY: Dorneval, Jr., Thomas
PRINTED DATE/TIME: 7/10/2023 1:52 PM

CITY OF MIAMI POLICE DEPARTMENT
400 NW 2ND AVE
MIAMI, FL 33128
305-579-6111
REPORT NUMBER: 2203120017695

VICTIMS

NAME: CARDENAS, ALFREDO
AGE: 77
SEX: Male
RACE: White

NARRATIVE

SEE A-FORM



1100592092

OBS NUMBER 1307388164		ARMED FORCES NO		BWC YES		COMPLAINT/ARREST AFFIDAVIT				POLICE CASE NO. 2203120017695																			
SPECIAL OPERATION:		<input checked="" type="checkbox"/> FELONY <input type="checkbox"/> MISD <input type="checkbox"/> TRAFFIC <input type="checkbox"/> JUV <input type="checkbox"/> DV <input type="checkbox"/> MOVES <input type="checkbox"/> CIV INT		JAIL NO. 220128616		PMHD NO		COURT CASE NO. F22004599		FUGITIVE WARRANT:		IN STATE <input type="checkbox"/> OUT STATE <input type="checkbox"/>																	
IDS NO. 3433890		AGENCY CODE 001		MUNICIPAL P.D. DEF. ID NO.		MPDP RECORDS AND ID NO. 1250842		STUDENT ID NO.		GANG RELATED NO		FRAUD RELATED NO																	
DEFENDANT'S NAME (LAST, FIRST, MIDDLE) WHITE, DARRYL LEONARD JR										ALIAS and/or STREET NAME				SIGNAL															
DOB (MM/DD/YYYY) 06/11/2000		AGE 21		RACE B		SEX M		HISPANIC NO		ETHNICITY AFR		HEIGHT 5'09		WEIGHT 255		HAIR COLOR BLK		HAIR LENGTH SHT		HAIR STYLE AFR		EYES BRO		GLASSES NO		FACIAL HAIR CLN		TEETH NOR	
SCARS, TATTOOS, UNIQUE PHYSICAL FEATURES (Location, Type, Description)										PLACE OF BIRTH (City, State, Country) MIAMI FL US																			
LOCAL ADDRESS										PHONE										CITIZENSHIP US									
PERMANENT ADDRESS (Street, Apt. Number) 1181 NW 57TH ST										(City) MIAMI		(State) FL		(Country) (Zip) US 33127		PHONE (786) 462-8531		OCCUPATION STORE CLERK											
SCHOOL OR BUSINESS ADDRESS (Street, Apt. Number)										(City)		(State)		(Country) (Zip)		PHONE		ADDRESS SOURCE DL											
DRIVER'S LICENSE NUMBER/STATE				SOCIAL SECURITY NO.				WEAPON SEIZED NO				Defendant/CONCEALED WEAPON PERMIT NONE				INDICATION OF: Alcohol Influence N Drug Influence N													
ARREST DATE 03/12/2022		ARREST TIME 02:56		ARREST LOCATION 1099 SW 1ST AVE MIAMI, FL 33130										GRID 1414															
CO-DEFENDANT NAME										DOB		<input type="checkbox"/> IN CUSTODY <input type="checkbox"/> FELONY <input type="checkbox"/> JUVENILE		<input type="checkbox"/> AT LARGE <input type="checkbox"/> DV <input type="checkbox"/> MISDEMEANOR															
CO-DEFENDANT NAME										DOB		<input type="checkbox"/> IN CUSTODY <input type="checkbox"/> FELONY <input type="checkbox"/> JUVENILE		<input type="checkbox"/> AT LARGE <input type="checkbox"/> DV <input type="checkbox"/> MISDEMEANOR															
CO-DEFENDANT NAME										DOB		<input type="checkbox"/> IN CUSTODY <input type="checkbox"/> FELONY <input type="checkbox"/> JUVENILE		<input type="checkbox"/> AT LARGE <input type="checkbox"/> DV <input type="checkbox"/> MISDEMEANOR															
JUV only		Relation		Name		Street		Zip		Phone		Contacted?																	
CHARGES																													
1. F/2-BATTERY/AGGRAVATED				CHARGE AS F.S.		CNTS 1		FL STATUTE NUMBER 784.045		VIOL OF SECT.		CODE OF		UCR 0004130A		DV N		WARRANT TYPE OR TRAFFIC CITATION											
2.																													
3.																													
4.																													
The undersigned certifies and swears that he/she has just and reasonable grounds to believe, and does believe that the above named Defendant committed the following violation of law: On the 12 day of MARCH, 2022, at 02:14 at 1099 SW 1ST AVE, MIAMI, FL, 33130 I WAS DISPATCHED TO 1099 SW 1 AVE (7/11 STORE) IN REFERENCE TO AGGRAVATED BATTERY. UPON ARRIVAL, I MADE CONTACT WITH THE VICTIM WHO SEEM DISORIENTED. SUSPECT (STORE CLERK) WAS INSIDE THE STORE CONDUCTING BUSINESS. WITNESSES WERE OUTSIDE WITH THE VICTIM. DUE TO CONDITION OF THE VICTIM, HE WAS UNABLE TO PROVIDE A STATEMENT FROM INCIDENT SCENE NOR AT THE HOSPITAL HE WAS TRANSPORTED. ACCORDING TO THE SUSPECT, VICTIM CAME IN THE STORE PLAYING LOUD MUSIC AND WAS TOLD MULTIPLE TIMES TO TURN OFF HIS MUSIC. VICTIM RESPONDED INAPPROPRIATELY IN SPANISH. VICTIM PROCEEDED TO THE BACK OF THE STORE WHERE HE WAS SEEN IN A STORE SURVEILLANCE MONITOR PLACING A BOTTLE OF MODELO BEER IN HIS POCKET. SUSPECT APPROACHED THE VICTIM AND ASK HIM TO RETURN THE ITEM BACK IN THE REFRIGERATOR,... [Continued on Next Page]																													
HOLD FOR OTHER AGENCY VERIFIED BY										<input type="checkbox"/> HOLD FOR BOND HEARING, DO NOT BOND OUT (Officer Must Appear at Bond Hearing).				<input type="checkbox"/> I Understand that should I willfully fail to appear before the court as required by the notice to appear that I may be held in contempt of court and a warrant for my arrest will be issued. Furthermore, I agree that notice concerning the time, date and place of all court hearings should be sent to the above address. I agree that I am responsible to notify Clerk of the Court (Juvenile only) when in (2) court after the last my address changes.															
I SWEAR THAT THE ABOVE STATEMENT IS TRUE AND CORRECT. TALANIA, A: Court ID: 001-41952 MPD										SWORN TO AND SUBSCRIBED BEFORE ME, THE UNDERSIGNED AUTHORITY THIS 12 DAY OF MARCH 2022 AVILA, A: Court ID: 001-40734 MPD				<input type="checkbox"/> You need not appear in court but must comply with the instructions on the reverse side hereof.															

COMPLAINT/ARREST AFFIDAVIT - COURT COPY





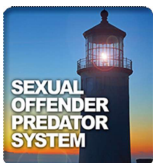
1100592092

CBTS NUMBER 1307388164		COMPLAINT/ARREST AFFIDAVIT CONTINUATION				POLICE CASE NO. 2203120017695	
JAIL NO. 220128616		COURT CASE NO. F22004599					
SPECIAL OPERATION:	<input checked="" type="checkbox"/> FELONY <input type="checkbox"/> WARRANT	<input type="checkbox"/> MISD	<input type="checkbox"/> TRAFFIC	<input type="checkbox"/> JUV	<input type="checkbox"/> DV	<input type="checkbox"/> MOVES	<input type="checkbox"/> CIV INF
		FUGITIVE WARRANT:		<input type="checkbox"/> In State	<input type="checkbox"/> Out State	JAIL NO. 220128616	PMHD NO
						COURT CASE NO. F22004599	
DEFENDANT'S NAME (LAST, FIRST, MIDDLE) WHITE, DARRYL LEONARD JR						DOB (MM/DD/YYYY) 06/11/2000	
CO-DEFENDANT NAME				DOB		<input type="checkbox"/> IN CUSTODY <input type="checkbox"/> AT LARGE	<input type="checkbox"/> FELONY <input type="checkbox"/> DV
						<input type="checkbox"/> JUVENILE <input type="checkbox"/> MISDEMEANOR	
CO-DEFENDANT NAME				DOB		<input type="checkbox"/> IN CUSTODY <input type="checkbox"/> AT LARGE	<input type="checkbox"/> FELONY <input type="checkbox"/> DV
						<input type="checkbox"/> JUVENILE <input type="checkbox"/> MISDEMEANOR	
CHARGES	CHARGE AS:	CNTS	FL STATUTE NUMBER	MOL OF SECT.	CODE OF	UCR	DV
WARRANT TYPE OR TRAFFIC CITATION							
5.							
6.							
7.							
8.							
<p>IN WHICH THE VICTIM COMPLIED. VERBAL DISPUTE BETWEEN PARTIES TRANSPIRED TO A PHYSICAL TOUCH. SUSPECT CLAIM HE WAS TOUCH BY THE VICTIM ON HIS CHEEK WITHOUT HIS PERMISSION. FEELING TREATHENDED, SUSPECT RESPONDED BY PUNCHING THE VICTIM ON THE BACK OF HIS HEAD AS HE WAS LEAVING THE STORE. THE VICTIM IMMEDIATELY FELL ON THE GROUND. SUSPECT CONTINUED STRIKING MULTIPLE TIMES THEN PROCEEDED INSIDE THE STORE TO CONDUCT BUSINESS. WITNESSES STATEMENT WERE CONTRARY TO THE SUSPECTS STATEMENT. THE WITNESSES OBSERVED THE SUSPECT SUCKER PUNCHING THE VICTIM APPROXIMATELY THREE TIMES ON THE BACK OF HIS HEAD AS HE WAS WALKING OUT OF THE STORE. VICTIM WAS KNOCKED OUT IN FRONT OF THE STORE AND WAS DRAGGED OUTSIDE THE STORE WHERE HE BEGUN TO PUNCH AND KICK THE VICTIM AGAIN. ONE OF THE WITNESSES SHOWED A VIDEO ON THE PHONE WHERE THE VICTIM WAS UNCONSCIOUS ON THE FLOOR AND THE SUSPECT WAS STANDING OVER HIM, PUNCHING AND KICKING HIM MULTIPLE TIMES CONSISTED WITH THEIR STATEMENT. VICTIM SUSTAINED A LACERATION ON HIS RIGHT HAND AND WAS TRANSPORTED TO MERCY HOSPITAL. HOMICIDE UNIT #28547 AND ID WERE NOTIFIED #43297. A CASE CARD WAS GIVEN TO THE VICTIM. DEFENDANT WAS ARRESTED AND TRANSPORTED TO TKG.</p> <p>OFFICERS USING BODY-WORN CAMERA: TALANIA, A: Court ID: 001-41952</p>							

COMPLAINT/ARREST AFFIDAVIT CONT.

HOLD FOR OTHER AGENCY VERIFIED BY		<input type="checkbox"/> HOLD FOR BOND HEARING. DO NOT BOND OUT. (Officer Must Appear at Bond Hearing).	<input type="checkbox"/> I Understand that should I willfully fail to appear before the court as required by this notice to appear that I may be held in contempt of court and a warrant for my arrest shall be issued. Furthermore, I agree that notice concerning this case, note are placed on all court hearings should be sent to the above address. I agree that it is my responsibility to notify Clerk of the Court (Juvoniles notify Juvenile Division) anytime that my address changes. <input type="checkbox"/> (You need not appear in court, but must comply with the instructions on the reverse side hereof.)
I SWEAR THAT THE ABOVE STATEMENT IS TRUE AND CORRECT. TALANIA, A: Court ID: 001-41952		SWORN TO AND SUBSCRIBED BEFORE ME, THE UNDERSIGNED AUTHORITY THIS 12 DAY OF MARCH 2022 AVILA, A: Court ID: 001-40734	

Exhibit (B)



Sexual Offenders and Predators Search



Charting a course for public safety

Select Language ▾

Offender Search ?



Search



Reset

Offender Search Results

Return Selection as:

List



Select All Pages | Unselect All Pages

(Displaying 1 - 1 of 1, Page: 1/1)



1



10 ▾



Select	Picture	Name	Status	Address	Address Source Information
<input type="checkbox"/>		CARDENAS-RODRIGUEZ, ALFREDO R. View Flyer Track Offender	Confinement	1545 NW 7th Ave Miami, FL 33136-1403 Show Map	Source: Registration Address Type: Permanent Received: 02/23/2023

(Displaying 1 - 1 of 1, Page: 1/1)



1



10 ▾



2018 Florida Department of Law Enforcement, v.3.0
Enforcement and Investigative Support
Post Office Box 1489 Tallahassee, FL 32302-1489
Toll-free: 1-888-357-7332 (M-F 8:00am - 5:00pm, Eastern)
Local: 1-850-410-8572 (M-F 8:00am - 5:00pm, EST)
Email: sexpred@fdle.state.fl.us

Social Media: [f](#) [t](#)

FDLE Mobile App: [Android](#) [Apple](#)